

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Theodus Alanzo Morrison, IV,

Plaintiff,

**Case No. 14-10984
Hon. Victoria A. Roberts**

v.

Commissioner of Social Security

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION (Doc. # 20)

Theodus Alanzo Morrison, IV (“Morrison”) lost his appeal of a final determination by the Commissioner of Social Security (“Commissioner”), who denied Morrison’s application for Social Security Disability Insurance Benefits. This matter is now before the Court on the parties’ cross-motions for summary judgment, which the Court referred to Magistrate Judge Michael J. Hluchaniuk.

On February 13, 2015, Magistrate Judge Hluchaniuk filed a Report and Recommendation (R&R) recommending that the Court: (1) grant Morrison’s Motion for Summary Judgment in part; (2) deny the Commissioner’s Motion for Summary Judgment in part; (3) reverse the findings of the Commissioner in part; and (4) remand for further proceedings consistent with the Court’s order.

Magistrate Judge Hluchaniuk found that the Administrative Law Judge (“ALJ”): (1) erred by failing to give appropriate weight to Morrison’s treating physician; (2) did not err when finding that Morrison did not require a cane to stand; and (3) did not engage in

a complete Step III listing analysis.

The Commissioner objected to the R&R. The Commissioner says the ALJ properly discounted Morrison's treating physician's opinions. Morrison asks the Court to adopt the Report and Recommendation.

After proper objections are made, a court must conduct a *de novo* review of a Magistrate Judge's Report and Recommendation. A court can accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1).

The Court carefully reviewed the cross motions for summary judgment, the R&R, the Commissioner's objections, Morrison's response, and the remainder of the record. The Court agrees with Magistrate Judge Hluchaniuk's conclusions.

Magistrate Judge Hluchaniuk accurately laid out the facts and relevant portions of the administrative record; he engaged in a thorough analysis of the issues and provided reasoned explanations for his conclusions. In reaching his conclusions, Magistrate Judge Hluchaniuk considered the entire record and applied the appropriate standard for review of an ALJ's decision.

The Court **ADOPTS** Magistrate Judge Hluchaniuk's Report and Recommendation: (1) Plaintiff's Motion for Summary Judgment is **GRANTED IN PART**; (2) Defendant's Motion for Summary Judgment is **DENIED IN PART**; (3) the decision of the Commissioner of Social Security is **REVERSED IN PART**; and (4) this matter is **REMANDED** for further proceedings consistent with the Report and Recommendation.

IT IS ORDERED.

/s/ Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: March 16, 2015

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on March 16, 2015.

s/Linda Vertriest
Deputy Clerk